UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.24
5 March 1992

ORIGINAL: ENGLISH

PREPARATORY COMMITTEE FOR THE UNITED
NATIONS CONFERENCE ON ENVIRONMENT
AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 3

PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

Proposal submitted by Australia

STRUCTURE AND OUTLINE OF THE RIO DE JANEIRO DECLARATION/EARTH CHARTER AND COMMENTS ON A/CONF.151/PC/WG.III/L.8/Rev.1

The contributions of delegations, including those made in the discussions during the opening informal meeting of Working Group III during the current session of the Preparatory Committee, might usefully be grouped under the following headings:

PREAMBLE

Notion of harmony

Importance of environment to peace and security

Concern over state of environment and imperative of cooperation

Integration of environment and development

Declaratory commitment to the cooperative implementation of the declaration by States and other actors (possibly at end of charter)

050392

92-10505 3001f (E) 050392

/...

PRINCIPLES

Intergenerational equity

Consumption patterns, population and poverty

Stockholm premise, sovereignty, differentiated responsibilities and assistance to developing countries

Liability, compensation and emergency assistance

Environment protection; including conservation of biological diversity, maintenance of ecological processes and sustainable resource use

Precautionary principle, irreversibility and prior evaluation

Science, research and monitoring and capacity-building

Resource pricing, polluter pays and user pays, trade and environment

Individual rights, including right to development, rights of special groups, public participation and education

COMMENTARY BASED ON A/CONF.151/PC/WG.III/L.8/Rev.1

1. Integration of environment and development

Preferred location/association: Preamble.

Preferred text:

Recognizing the imperative of the integration of environmental and development concerns and decision-making processes at the local, national and international levels.

Other possible elements:

Affirmation that the needs of individuals and communities for economic development can be compatible with the need for a clean, healthy and productive environment.

Comment:

Our preference is for "integration" being stated as a goal or basis for action rather than a principle. Principles should all deal with the methods of "integration".

2. Common but differentiated responsibilities

Preferred location/association: free-standing principle governing environmental protection and responsibility.

Preferred text: to be based on a general provision on protection of the environment, including biological diversity (e.g., para. 5) and (to note that):

> Responsibilities for combating environmental degradation and pollution should be according to contribution to that damage.

Other possible elements:

Common international standards can be developed on the basis of assistance to address differences in capacity.

The methods of meeting agreed standards may differ on the basis of the particular circumstance of each country.

3. Individual and group rights

Preferred location/association: Linked with principle 12.

Preferred text:

> All individuals have the right to participate equitably in economic, social, cultural and political development and to a healthy environment.
>
> The contribution of all groups to the maintenance of economic and social systems, to cultural diversity and to environmental management and decision-making is to be valued, promoted and protected.
>
> In particular, Governments will:
>
> (a) Ensure the incorporation of women's perspectives, contributions, needs, concerns and participation at all levels and in all sectors relating to the promotion of sustainable development, particularly at the levels of decision-making, planning and management;
>
> (b) Recognize the special relationship of indigenous peoples to the environment and their priorities for sustainable development of the lands and resources they traditionally occupy and use; safeguard the environment of indigenous peoples and ensure their consultation and participation at all levels of decision-making in environment and development matters affecting them; recognize, record, transmit and use those traditional practices of indigenous peoples which are ecologically sustainable.

4. Intergenerational equity

Preferred location/association: free-standing principle.

Preferred text:

Decisions should be based on the assumption that future generations must have a need for an environment which is no less healthy, diverse and productive than the environment of current generations.

5. Sovereignty and responsibility

Preferred location/association: free-standing principle, linked with principles 2, 7 and 8.

Preferred text:

States have the sovereign right to exploit their own natural resources in a sustainable manner while ensuring that activities carried out within their jurisdiction and control do not cause damage to the environment of other States and of the areas beyond national jurisdiction (para. 42; and the Declaration on the Human Environment).

6. Precautionary principle

Preferred location/association: free-standing principle.

Preferred text:

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. (See para. 54 and additional concepts.)

Other possible elements:

Public and private decisions should be guided by:

(a) Careful evaluation, so as to avoid, wherever practicable, serious or irreversible damage to the environment;

(b) Prior assessment of the risk-weighted consequences of various options.

7. Cooperation

Preferred location/association: could be taken together with principles 2 and 8.

Preferred text: Only ideas expressed in paragraphs 60, 62 and 64 would appear to advance this issue beyond the texts under discussion in principles 2 and 5.

8. Special needs of developing countries

Preferred location/association: could be covered with principles 2 and 7.

Preferred text: could recognize the special economic and other circumstances of developing countries and their need for capacity-building.

Other issues:

Note the particular vulnerability of some States to environmental change.

9. Environment and world trade

Preferred location/association: could be combined with principles 13 and 17.

Preferred text:

The full incorporation of environmental and social costs in the prices of traded goods and services, coupled with the removal of barriers to trade and of subsidies on production, would provide a significant and fundamental foundation for the achievement of sustainable development in all countries.

Other possible elements:

The need to strive for consistency between international trade and environmental obligations.

Avoidance of trade distortion.

10. Peace and security

Preferred location/association: preambular statement or free-standing principle.

Preferred text: should note the interrelationship between environment, peace and security.

Other possible element: recognition of the Charter of the United Nations and the basic principles of international law for the peaceful resolution of disputes.

11. Production and consumption patterns

Preferred location/association: linked to principle 16.

Preferred text: should recognize the fundamental link between population growth, poverty, consumption patterns and the sustainable use of resources.

Other issues: (to be taken up in Agenda 21)

Cultural values and lifestyles.

Role of women in society.

Need for planning, education and research.

Particular circumstances of each country and community.

12. Information and education

Preferred location/association: combined with principle 3.

Preferred text: should concentrate on the need for environmental education and information, including environmental risks.

Other possible elements:

Promotion of research and monitoring and technological and scientific capacity-building for all countries.

Promote sharing of information about environmental hazards and risks.

13. Cost internationalization

Preferred location/association: linked to or combined with principle 9.

Preferred text: paragraphs 102, 106 and 107, with emphasis on accounting for environmental costs.

Other possible elements: Governments to determine the appropriate mix of regulatory and economic instruments to meet objectives, based on the particular political, social, economic and environmental circumstances.

14. Liability for damage and dispute settlement

Preferred location/association: free-standing principle (possible link to principle 5).

Preferred text: based on paragraph 108.

Other possible elements:

A commitment to the further development of the international legal framework for liability, compensation and dispute settlement in cases of damage to the environment of another State or to the global commons.

15. Public particiation and democracy

Preferred location/association: combined with principle 3.

Preferred text: based on paragraphs 115 and 117, with "rights" replaced by "need".

16. Poverty

Preferred location/association: combined with principles 1 and 11.

17. Resource transfer

Preferred location/association: combined with principles 9 and 13.